



2600 Bull Street  
Columbia, SC 29201-1708

Last Updated: July 6, 2004

## MEMORANDUM

**TO:** Administrators of Nursing Homes, Home Health Agencies, Community Residential Care Facilities, and Day Care Facilities for Adults

**FROM:** Dennis L. Gibbs, Director  
Division of Health Licensing

**SUBJECT:** Procedures for Conducting State and Federal Criminal Background Checks for Direct Caregivers.

This memorandum outlines the steps for conducting state and federal criminal background checks for direct caregivers employed or being considered for employment at your facility.

**These procedures are intended as a guide only. They do not supercede applicable state regulations/laws or federal regulations/laws relevant to employee eligibility. The procedures do not address or exempt facilities from federal regulations applicable to facilities that participate in the Medicare/Medicaid reimbursement program through the Centers for Medicare and Medicaid Services (CMS), (See Enclosure 1 for Website References and contact information).**

Effective July 6, 2004, §§ 44-7-2910 and 44-7-2920 of Chapter 7, Title 44, Article 23, "Criminal Records Checks of Direct Care Staff", of the 1976 SC Code of Laws, were amended. § 44-7-2910 states that "A direct care entity employing or contracting with a direct caregiver shall conduct a criminal record check as provided in this section prior to employing or contracting with the direct caregiver." § 44-7-2920 deleted the provision authorizing a direct care entity to temporarily employ a person pending the results of the criminal record check.

The enclosures to this memorandum will explain in detail the individuals who are required to have a background check and the procedure for having a background check conducted. Following the procedures and requirements described in the enclosures will facilitate the criminal background check process required by Article 23.

Should you have any questions, please contact the Division of Health Licensing at the address above, by phone at (803) 545-4210, or by e-mail at [duensiga@dhec.sc.gov](mailto:duensiga@dhec.sc.gov).

DG:JR:jr

Enclosures: (1-7 also on Website at <http://www.scdhec.net/hr/licen/hlmemo7.htm>)

1. Procedures for Conducting a Criminal Background Check
2. Figures 1-5: Flow Charts and Fingerprint Card Examples
3. Article 23, Criminal Records Checks of Direct Care Staff
4. Organizations Conducting Background Checks on Behalf of a Direct Care Entity
5. Temporary Employment Organizations Providing Direct Caregivers
6. SLED Forms CJ-032, CJ-033, CJ-055, and SLED Form 110288

## PROCEDURES FOR CONDUCTING A STATE AND FEDERAL CRIMINAL BACKGROUND CHECK

1. Before initiating a criminal background check on an individual, read and become familiar with Article 23, "Criminal Record Checks of Direct Care Staff" (Enclosure 3). Once you have done that, proceed to step 2.

**NOTE: These procedures are intended as a guide only and do not supercede applicable state regulations/laws or federal regulations/laws relevant to employee eligibility. The procedures do not address or exempt facilities from federal regulations applicable to facilities that participate in the Medicare/Medicaid reimbursement program through the Centers for Medicare and Medicaid Services (CMS). Further information related to federal regulations is located on the following Websites:**

**CMS Manual System** <http://cms.hhs.gov/manuals/cmsindex.asp>

**Code of Federal Regulations** <http://www.gpoaccess.gov/cfr/retrieve.html>

**Questions related to federal regulations should be addressed to DHEC's Bureau of Certification by e-mail at [starneai@dhec.sc.gov](mailto:starneai@dhec.sc.gov) or by telephone at (803) 545-4205.**

2. Direct Caregiver: anyone who is paid by or who has a written contract with the direct care entity to provide "hands-on" care to a resident, patient, or client as defined in Article 23, is considered to be a direct care giver and must have a criminal background check. This includes employees furnished by an employment agency or an employee who works in multiple direct care settings. Visitors, Volunteers and family members are usually not considered direct caregivers or caregivers under the definition of Article 23. However, if any volunteer, visitor or family member **habitually** provides or performs any services or care to a patient, resident, or client (other than a relative) as described in Article 23, Section 44-7-2910, Paragraph (B)(2)(c) of the definition of a direct caregiver, then he/she will be required to have a criminal background check. Minors are not considered to be direct caregivers. However, minors must be under the supervision of an adult who has had a criminal background check if the minor is providing "hands-on" care to a resident, patient or client (other than a relative). A Faculty member or student enrolled in an educational program, including clinical study in a direct care entity, are excluded from the definition of a direct caregiver and are therefore not required to have a criminal background check.
3. As stated in the law, a nursing home, day care facility for adults, home health agency, or community residential care facility employing or contracting with a direct caregiver shall conduct a state criminal record check as provided in Section §44-7-2910 prior to employing or contracting with the direct caregiver. For a direct caregiver who has not lived in South Carolina for twelve months or longer, a background check conducted by another state is acceptable if the direct care entity can establish that the direct caregiver was a resident of that state for the past twelve months prior to applying for employment

in South Carolina. A state criminal background check must be conducted before the direct caregiver can begin working in a direct care setting.

If a direct care entity is unable to verify South Carolina residency or residency in another state for a direct caregiver for the preceding twelve months, then a South Carolina criminal background check and a federal criminal background check using fingerprint cards shall be conducted. Once the state criminal background check has been completed, the direct caregiver may begin work in the direct care setting. The federal fingerprint card criminal check may be initiated either before or after employment.

The law also states that a direct care entity may consider all information revealed by a criminal background check as a factor in evaluating a direct caregiver's application to be employed by or contract with the entity. The decision to employ a direct caregiver based on the results of a criminal background check shall be determined by the direct care entity's policy and procedures with the following exceptions:

**Exception 1:** Community residential care facilities must comply with Regulation 61-84, Standards for Licensing Community Residential Care Facilities, Section 501.B. which states "Staff members/direct care volunteers of the facility shall not have a prior conviction or pled no contest (nolo contendere) for child or adult abuse, neglect, or mistreatment. The facility shall coordinate with applicable registries should licensed/certified individuals be considered as employees of the facility. For those staff members/volunteers who are licensed/certified, a copy shall be available for review."

**Exception 2:** Home health agencies must comply with Regulation 61-77, Standards for Licensing Home Health Agencies, Section 1000, which states: "Direct care staff/volunteers shall not have prior conviction(s) of child or patient or elder abuse, neglect or mistreatment."

**Exception 3:** For employees of community residential care facilities, day care facilities for adults, and for all four types of direct care entities that use volunteers, Health Licensing is not permitted by law (P.L. 92-544) to forward or disclose the results of the **federal background check**. We can only inform the direct care entity that the individual has or does not have a criminal conviction or has pled no contest (nolo contendere). The decision to employ a direct caregiver is left to the discretion of the direct care entity.

4. There are two types of criminal background checks.
  - a. A state criminal records check is the first check required and is mandatory in all cases. The SC State Law Enforcement Division (SLED) conducts this type of check. The hiring entity submits an application for the background check directly to SLED. SLED will return the results directly to the facility. Background checks can also be done by a private business, organization, or association that conducts background checks if that entity utilizes current criminal records obtained from SLED or the Federal Bureau of Investigation (FBI) to determine any criminal record.

- b. A federal criminal background check is the second type of check and is done through the use of fingerprint cards. The Federal Bureau of Investigation (FBI) conducts this check on direct caregivers who have lived in South Carolina for less than 12 months and from all other states where they have lived, regardless of how long they have lived there. The hiring entity submits fingerprint cards to the Departments Bureau of Finance, along with payment for the background check. Finance will process the payment and forward the cards to the Division of Health Licensing. Health Licensing will forward the cards to SLED. SLED will forward the cards to the FBI. The FBI will forward the results to Health Licensing. With the exception of volunteers, Health Licensing can only forward the results to nursing homes and home health agencies.

For employees of community residential care facilities, day care facilities for adults, and for all four types of direct care entities that use volunteers, Health Licensing is not permitted by law (P.L. 92-544) to forward or disclose the results of the federal background check. We can only inform the direct care entity that the individual has or does not have a criminal conviction or has pled no contest (nolo contendere).

- c. The current fee for a SC SLED background check is \$25.00 per regular screening for employees, \$18.00 per screening for volunteers, and \$8.00 per screening for charitable organizations.
- d. The current fee for an FBI background check is \$24.00 for employees and \$18.00 for volunteers. Depending upon your hiring policies and the legal limitations discussed in paragraph 3 above, a federal background check may not be necessary, if the results of the state background check prohibit the direct care entity from hiring the applicant.

**5. ASSESSING THE APPLICANT:**

- a. To determine if the applicant must have one or both types of background checks, he/she must first provide you with proof to verify that he/she has been a resident in SC for the past 12 months. The 12-month period is determined from the date of the employment application. For example, if the application is dated January 1, 2004, the applicant must have been a resident in SC no later than December 31, 2002. The applicant can provide verification of residency through:
  - 1. A driver's license or identification card issued by the State of SC;
  - 2. Rent, mortgage, or utility receipts in the applicant's name for a home within SC;
  - 3. Pay stubs in the applicant's name from a business located in SC; or

4. Bank records in the applicant's name showing a deposit or checking account held in a SC branch office of a bank.
  - b. If the applicant can prove SC residency within the past 12 months, then only a state criminal back ground check is required.
  - c. If you are unable to verify that the applicant has been a resident in this state for the past 12-months, then both a state (South Carolina) and federal criminal background check using finger print cards will be required. If the direct care entity can verify residency in the preceding twelve months, the direct care entity may conduct only a state criminal record check in the applicant's resident state or jurisdiction where the applicant previously resided.
6. REQUESTING A STATE CRIMINAL BACK GROUND CHECK FROM SLED:

Using the Internet can decrease the length of time it takes to obtain state results. If you are unable to use this option, then results can be obtained over the counter from the SLED office or through the mail.

You must maintain a copy of the state results and make them available to Division of Health Licensing inspectors upon request. SLED will not provide extra copies of the results.

- a. To obtain state results from SLED through the Internet:
  1. If you want to establish a billing account with SLED for using their Website, you must complete the enclosed SLED-NET Application Form CJ-033 (Enclosure 6.b). You will also need to obtain a password. SLED recommends that you only establish a billing account if your volume will exceed 10 requests per month. Otherwise, you can pay as you go with a credit card.
  2. Charitable organizations must also complete the Certification For \$8.00 Reduced Fee Criminal Record Search Form CJ-032, (Enclosure 6.a).
  3. Access the SLED database by typing in their web address, <http://www.sled.state.sc.us>.
  4. The current fees are \$25.00 per regular screening and \$8.00 per screening for charitable organizations. In lieu of setting up a billing account with SLED, the Website also allows you to make payment for fees with either VISA or Master card.
  5. At present, the Internet does not recognize an \$18.00 fee to screen volunteers. You will have to pay the regular \$25.00 fee to obtain results

via the Internet. Otherwise, you can pay the \$18.00 fee over the counter at the SLED office or through the mail.

b. Obtaining state results over the counter:

Visit the SLED office at 4400 Broad River Road, Columbia, SC, CJIS Division-Records Section (Beige Stucco Building; park in visitor parking lot). Office hours are 8:30 a.m. - 5:00 p.m., Monday through Friday.

1. Forms:

- (a) SLED Form CJ-055 (Enclosure 6.c) must be completed by licensed health care facilities to obtain results.
- (b) All other organizations that have employees or volunteers working in health care facilities but are not licensed by our Department must complete SLED Form 110288 (Enclosure 6.d).
- (c) If either entity of (a) and (b) above is a charitable organization, then SLED Form CJ-032 (Enclosure 6.a) must also be completed in order to receive the reduced \$8.00 fee.

2. Present business check, money order, or cashier's check for appropriate fee (\$8.00 for charitable organizations, \$18.00 for volunteers, \$25.00 for regular employees). **PERSONAL CHECKS OR CASH WILL NOT BE ACCEPTED.**

**NOTE: Twenty-four hours is needed to process two or more walk-in requests. You will need a self-addressed, stamped envelope if you wish SLED to mail the results to you.**

c. Obtaining state results by mail:

- 1. Complete the appropriate form(s) below and mail to State Law Enforcement Division, Post Office Box 21398, Columbia, SC, 29221, ATTN: Records.
- 2. Forms:
  - (a) SLED Form CJ-055 (Enclosure 6.c) must be completed by licensed health care facilities to obtain results.
  - (b) All other organizations that have employees or volunteers working in health care facilities but are not licensed by our Department must complete SLED Form 110288 (Enclosure 6.d).

- (c) If either entity of (a) and (b) above is a charitable organization, then SLED Form CJ-032 (Enclosure 6.a) must also be completed in order to receive the reduced \$8.00 fee.
- 3. Include the following:
  - (a) Business check, money order or cashier's check in the correct amount made payable to SLED (\$8.00 for employees of charitable organizations, \$25.00 for regular employees, \$18.00 for volunteers);
  - (b) Completed SLED Form CJ-032 (Enclosure 6.a), Certification For \$8.00 Reduced Criminal Record Search for Charitable Organizations, if applicable;
  - (c) Self-addressed, stamped envelope.
- 7. REQUESTING A FEDERAL CRIMINAL BACKGROUND CHECK (Encl. 2, Fig. 3)

The procedures contained in this section are intended for direct care entities licensed by the Division of Health Licensing. Our ability to administer the law is limited to these licensed entities only. However, in the interest of facilitating the process our office will provide fingerprint cards to third party organizations. Third party organizations such as an employment agency, may not furnish employees to a direct care entity without conducting a criminal record check on each employee. An employee who works in multiple direct care settings must have a criminal record check on file at the location of the employment agency, the home office of his employer, or at the individual's primary place of employment. The licensed direct care entity is held responsible, not the third party organization, by the Department for providing copies of the background check upon request within 2 hours of receiving the request from the Department.

For organizations conducting criminal background checks on behalf of a licensed direct care entity, see enclosure 4. For organizations providing temporary employees to a licensed direct care entity, see enclosure 5.

Once you have determined that a federal background check is necessary:

- a. Obtain fingerprint cards from the Division of Health Licensing by:
  - 1. Writing to **DHEC, Division of Health Licensing, 2600 Bull Street, Columbia, SC, 29201**; or
  - 2. Calling Ms. Georgia Duensing at (803) 545-4210; or
  - 3. E-mailing Ms. Georgia Duensing at [duensiga@dhec.sc.gov](mailto:duensiga@dhec.sc.gov).

- b. There are two types of fingerprints cards that you can request from the Division of Health Licensing. The type of card you need depends upon the type of direct care entity for which you are licensed, and whether or not the applicant is an employee, contract direct caregiver or volunteer direct caregiver. **The supply of cards we have on hand are limited and we ask that you only request the number of cards necessary for each applicant who requires a fingerprint card check.**
- 1.) **Third party organization that provide temporary employees to direct care entities**, see enclosure 5 before proceeding to the next step.
  - 2.) **Third party organizations that conduct criminal background checks on behalf of a direct care entity** see enclosure 4 before proceeding to the next step.
  - 3.) **A nursing home or home health agency** that has hired or is considering hiring an applicant who is an **employee or contract direct caregiver**, must submit fingerprint cards with the OIR number **“SCNFHHC9Z, PL 105-277, Columbia, SC”** (See enclosure 2, Figure 5). In the block of the fingerprint card “Reason Fingerprinted”, type or print legibly:
    - (a) “Nursing Home, Employee” or;
    - (b) “Home Health Agency, Employee”.
  - 4.) **Volunteers** working as direct caregivers for a **nursing home or home health agency**, must submit fingerprint cards with the OIR number **“SCDHEC00Z, SC DHEC, Columbia, SC”** (See enclosure, 2 Figure 4). In the block of the fingerprint card “Reason Fingerprinted”, type or print legibly:
    - a. “Nursing Home, Volunteer” or;
    - b. “Home Health Agency, Volunteer”.
  - 5.) **A community residential care facility or day care facility for adults** that has hired or is considering hiring an applicant as an employee, contract direct caregiver, **or volunteer** who will be working as a direct caregiver must submit fingerprint cards with the OIR number **“SCDHEC00Z, SC DHEC, Columbia, SC”** (See enclosure 2, Figure 4). In the block of the fingerprint card “Reason Fingerprinted”, type or print legibly:
    - (a) “Day Care Facility for Adults, Employee”; or
    - (b) “Day Care Facility for Adults, Volunteer”; or



- (c) “Community Residential Care Facility, Employee”; or
  - (d) “Community Residential Care Facility, Volunteer”.
- 6.) In the fingerprint card block that says “**Your NO. OCA**”, enter your **license number** as assigned by the Division of Health Licensing (See enclosure 2, Figures 4 and 5).
- 7.) In order for the FBI check to be conducted, the **social security number of the applicant must be entered on the card**. This information will be used only for the purposes of conducting a criminal background check. This mandatory requirement is based on Section 44-7-2910 of the SC Code of Laws, as amended. We are informing you of this requirement pursuant to the Privacy Act of 1974 (PL. 93.579), which requires that federal, state, or local agencies inform individuals whose social security number is requested whether such disclosure is mandatory or voluntary, the basis of authority for such solicitation and uses that will be made of it.
- c. Fingerprinting the Applicant: An individual who has been properly trained in the procedure must do the fingerprinting. In addition to the fingerprinting, the applicant must be properly identified by legitimate identification. We recommend that you request your local law enforcement agency to do this for you. DHEC does not provide this service.
- d. Once you have completed the fingerprint cards and the applicant has been fingerprinted, send the cards, along with your payment, in the form of a **certified check, bank check or money order** for the correct fee.

**(PERSONAL CHECKS OR CASH WILL NOT BE ACCEPTED).**

**For employees**, the fee is \$24.00.

**For volunteers**, the fee is \$18.00.

Make check or money order payable to SCDHEC to the address below:

**SCDHEC  
Bureau of Finance   ATTN: Accounts Receivable  
PO BOX 100103  
Columbia, SC, 29202**

The Bureau of Finance will process the check and forward the FBI cards to the Division of Health Licensing. Health Licensing will forward the fingerprint cards to SLED. SLED will forward the fingerprint cards to the FBI. The FBI will return the results to the Division of Health Licensing.

## 8. RESULTS OF FBI BACKGROUND CHECK:

- a. For **nursing homes** and **home health agencies**, Health Licensing will forward the results of the FBI background check to the direct care entity. For **third party organizations** conducting criminal background checks on behalf of a nursing home or home health agency, the results will be forwarded directly to the direct care entity. Exception: by law (P.L. 92-544) we are not permitted to release the results on volunteers. We can only inform the direct care entity that the individual has or does not have a criminal conviction or has pled no contest (nolo contendere).
- b. For **community residential care facilities, day care facilities for adults**, and **third party organizations**, the Division of Health Licensing is not permitted by law (P.L. 92-544) to forward or disclose the results of the federal background check. We can only inform the direct care entity that the individual has or does not have a criminal conviction or has pled no contest (nolo contendere).
- c. For inspection purposes, the direct care entity must retain a copy of the federal background check results on file at the facility location. For volunteers for whom the Department provides a letter in lieu of the results, the direct care entity or third party organization shall retain a copy of the letter.
- d. Results of an FBI background check can take up to 90 days or more to get back to our office. We ask that you not call us for the results. Please be assured that you will be informed as soon as possible.

## 9. PENALTIES FOR VIOLATION OF ARTICLE 23:

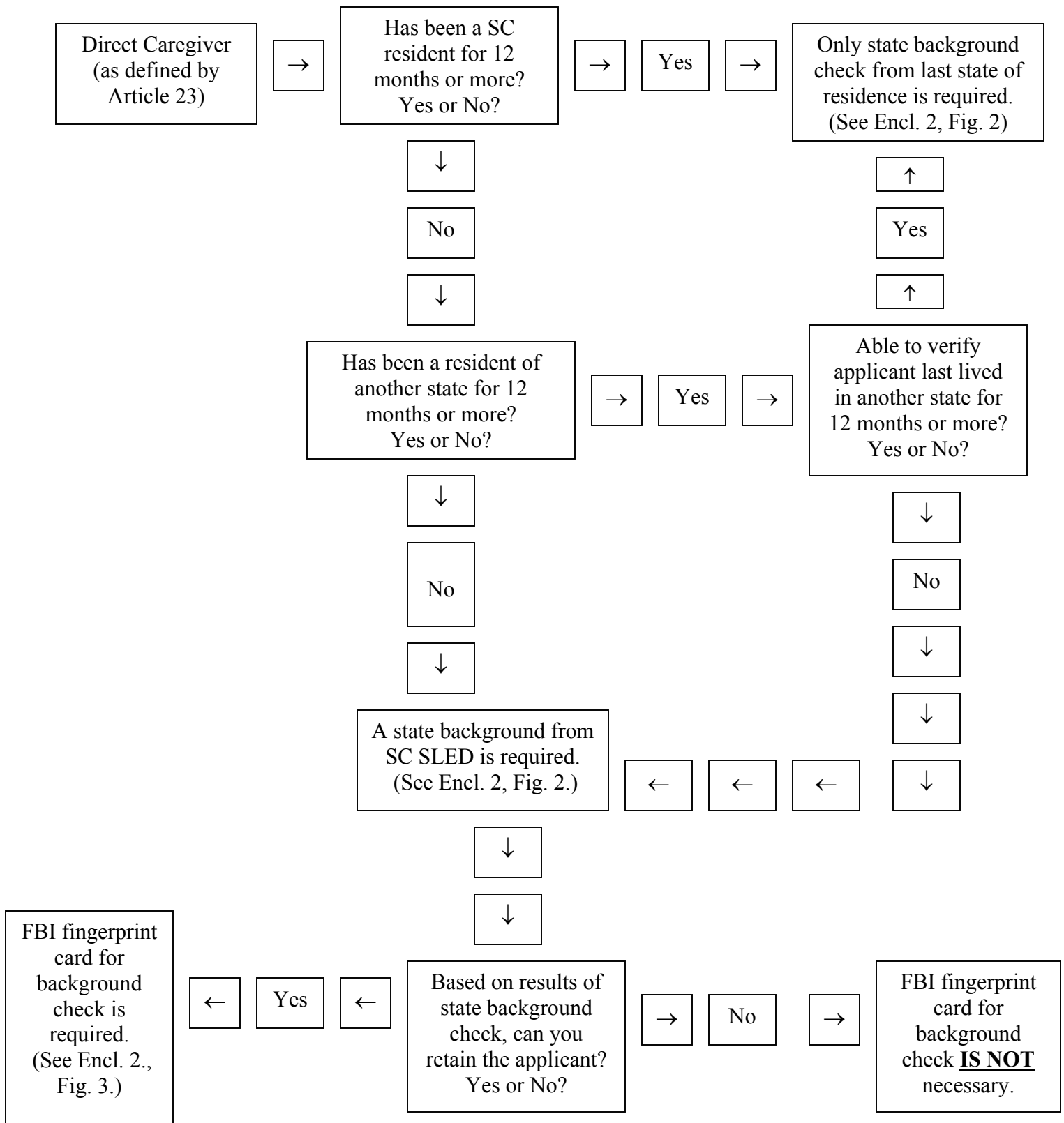
The Department of Health and Environmental Control's Division of Health Licensing is the entity responsible for enforcement of Article 23. In accordance with Section 44-7-2950 of the 1976 SC Code of Laws, as amended, an individual who violates this article, or a regulation promulgated pursuant to this article, is subject to a civil fine of **one hundred dollars** for the first violation and **five hundred dollars** for each subsequent violation. A fine imposed pursuant to this section must be paid before a direct care entity's license can be renewed. Fines collected pursuant to this section must be retained by the Department to help offset the costs associated with carrying out the Department's responsibility under this article.

## 10. ASSISTANCE:

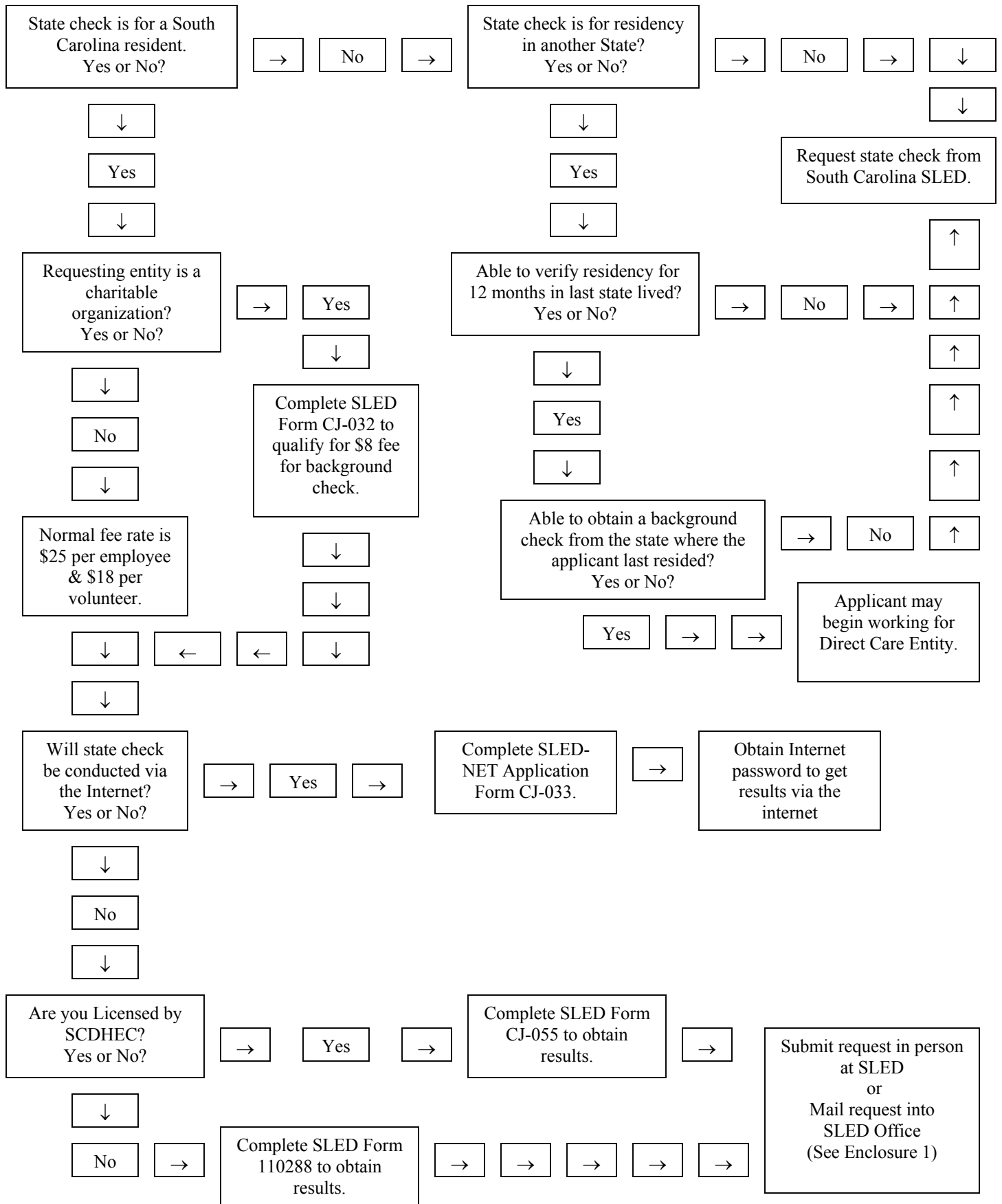
- a. The Division of Health Licensing has staff available to answer questions and to assist you with the new procedures outlined in this memorandum. You can contact our office by:

1. Writing to **SCDHEC, Division of Health Licensing, 2600 Bull Street, Columbia, SC, 29201**; or
  2. Calling Ms. Georgia Duensing, at (803) 545-4210; or
  3. E-mailing Ms. Georgia Duensing at [duensing@dhec.sc.gov](mailto:duensing@dhec.sc.gov).
- b. For determining eligibility for employment or contract services for crimes not covered by regulation, it may be necessary for you to consult with your legal counsel prior to determining eligibility.
  - c. Copies of the forms referenced in this procedures memorandum are enclosed and you may make as many copies as needed without obtaining special permission.
  - d. If you have questions regarding state criminal background checks, please contact SLED, CJIS Division-Records Section at (803) 737-9000 or by fax at (803) 896-7005.

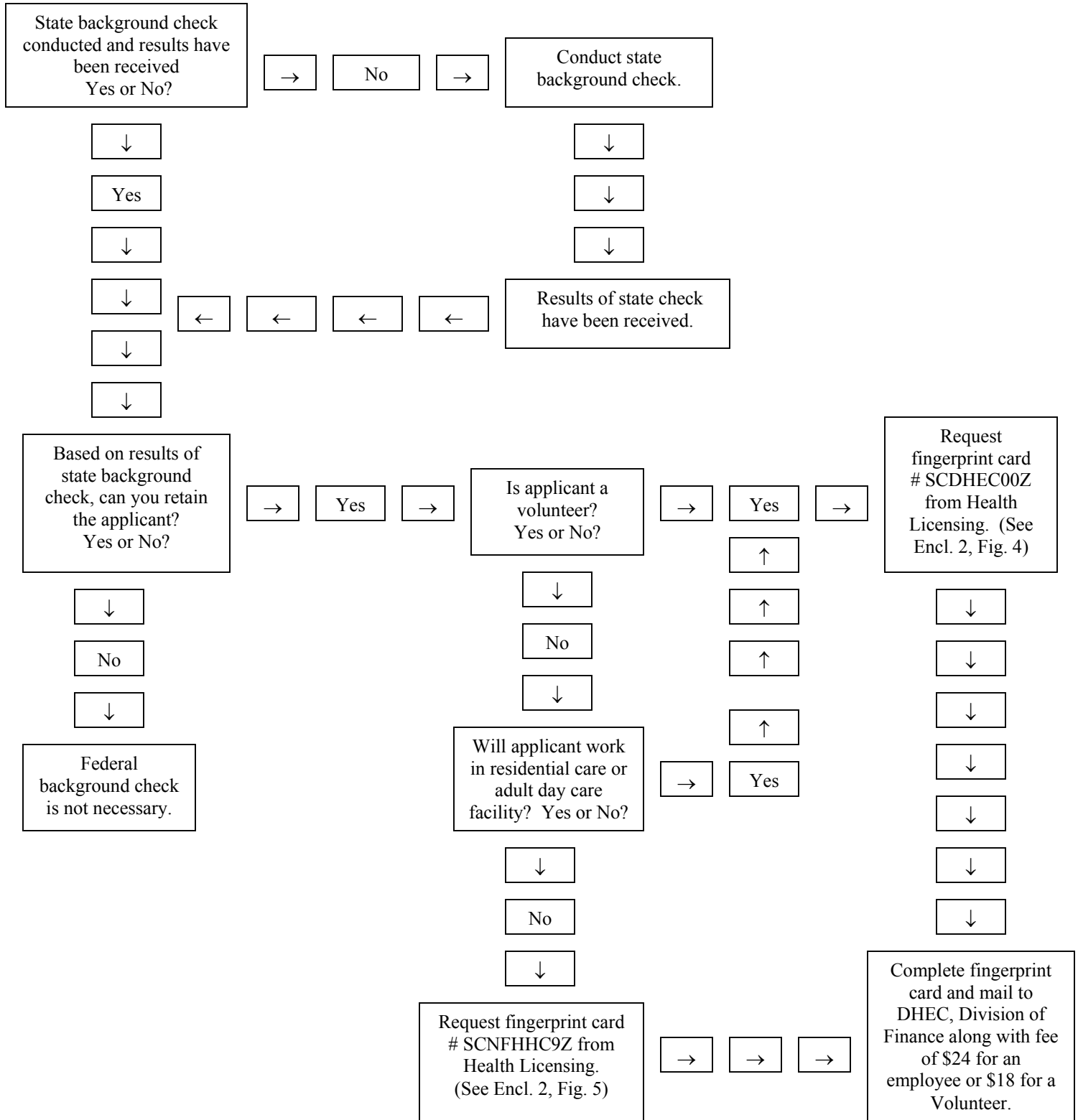
Determining Type of Criminal Background Check Required



# Requesting A State Criminal Background Check



### Requesting A Federal Criminal Background Check



**Fingerprint Card – Used for Volunteers (All Facility Types),  
Employees of Day Care Facilities for Adults,  
Employees of Community Residential Care Facilities, and  
Temporary Employees Provided to Direct Care Entities by Third Party Organizations**

<b>APPLICANT</b>		LEAVE BLANK		TYPE OR PRINT ALL INFORMATION IN BLACK				FBI		LEAVE BLANK																					
				LAST NAME <u>NAM</u>		FIRST NAME		MIDDLE NAME																							
				Doe		John		David																							
SIGNATURE OF PERSON FINGERPRINTED		ALIASES <u>AKA</u> <u>Phil Smith</u>		O R I SCDHECOOZ SC DHEC COLUMBIA, SC				DATE OF BIRTH <u>DOB</u> Month <u>01</u> Day <u>25</u> Year <u>1958</u>																							
RESIDENCE OF PERSON FINGERPRINTED <u>1300 Haven St. Denmark, SC 29000</u>		CITIZENSHIP <u>CTZ</u> <u>USA</u>				SEX <u>M</u> RACE <u>C</u> HGT. <u>72"</u> WGT. <u>165</u> EYES <u>BN</u> HAIR <u>BL</u>		PLACE OF BIRTH <u>POB</u> <u>Denmark, SC</u>																							
DATE	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS			YOUR NO. <u>OCA</u> <u>License # ADC-000</u>		LEAVE BLANK																									
		EMPLOYER AND ADDRESS <u>ABC Adult Day Care</u> <u>22 W. St. Columbia, SC 29000</u>		FBI NO. <u>FBI</u>																											
		REASON FINGERPRINTED <u>Day Care Facility for Adults, Volunteer</u>		ARMED FORCES NO. <u>MNU</u>																											
				SOCIAL SECURITY NO. <u>SOC</u> <u>000-00-0000</u>																											
				MISCELLANEOUS NO. <u>MNU</u>																											
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6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE																							
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				L. THUMB		R. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY																							

**Fingerprint Card – Used for Volunteers (All Facility Types),  
Employees of Day Care Facilities for Adults,  
Employees of Community Residential Care Facilities, and  
Temporary Employees Provided to Direct Care Entities by Third Party Organizations**

**FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE  
CJIS DIVISION/CLARKSBURG, WV 26306**

**APPLICANT**

**1. LOOP**



CENTER  
OF LOOP

DELTA

THE LINES BETWEEN CENTER OF  
LOOP AND DELTA MUST SHOW

**2. WHORL**



DELTA

THESE LINES RUNNING BETWEEN  
DELTA MUST BE CLEAR

**3. ARCH**



ARCHES HAVE NO DELTAS

**TO OBTAIN CLASSIFIABLE FINGERPRINTS:**

1. USE BLACK PRINTER'S INK.
2. DISTRIBUTE INK EVENLY ON INKING SLAB.
3. WASH AND DRY FINGERS THOROUGHLY.
4. ROLL FINGERS FROM NAIL TO NAIL, AND AVOID ALLOWING FINGERS TO SLIP.
5. BE SURE IMPRESSIONS ARE RECORDED IN CORRECT ORDER.
6. NOTATE IN THE APPROPRIATE FINGER BLOCKS IF APPLICANT IS MISSING ONE OR MORE FINGERS FOR ANY REASON. IF NOT MISSING, ALL TEN IMPRESSIONS MUST BE PROVIDED WITH SCARS AND DEFORMITIES NOTATED.
7. IF SOME PHYSICAL CONDITION MAKES IT IMPOSSIBLE TO OBTAIN PERFECT IMPRESSIONS, SUBMIT THE BEST THAT CAN BE OBTAINED.
8. EXAMINE THE COMPLETED PRINTS TO SEE IF THEY CAN BE CLASSIFIED, BEARING IN MIND THAT MOST FINGERPRINTS FALL INTO THE PATTERNS SHOWN ON THIS CARD (OTHER PATTERNS OCCUR INFREQUENTLY AND ARE NOT SHOWN HERE).

**THIS CARD FOR USE BY:**

**LEAVE THIS SPACE BLANK**

1. LAW ENFORCEMENT AGENCIES IN FINGERPRINTING APPLICANTS FOR LAW ENFORCEMENT POSITIONS\*
2. OFFICIALS OF STATE AND LOCAL GOVERNMENTS FOR PURPOSES OF EMPLOYMENT, LICENSING, AND PERMITS, AS AUTHORIZED BY STATE STATUTES AND APPROVED BY THE ATTORNEY GENERAL OF THE UNITED STATES. LOCAL AND COUNTY ORDINANCES, UNLESS SPECIFICALLY BASED ON APPLICABLE STATE STATUTES DO NOT SATISFY THIS REQUIREMENT.\*\*
3. U.S. GOVERNMENT AGENCIES AND OTHER ENTITIES REQUIRED BY FEDERAL LAW.\*\*
4. OFFICIALS OF FEDERALLY CHARTERED OR INSURED BANKING INSTITUTIONS TO PROMOTE OR MAINTAIN THE SECURITY OF THOSE INSTITUTIONS.

**INSTRUCTIONS:**

- \*1. PRINTS MUST FIRST BE CHECKED THROUGH THE APPROPRIATE STATE IDENTIFICATION BUREAU, AND ONLY THOSE FINGERPRINTS FOR WHICH NO DISQUALIFYING RECORD HAS BEEN FOUND LOCALLY SHOULD BE SUBMITTED FOR FBI SEARCH.
  2. PRIVACY ACT OF 1974 (PL. 93-579) REQUIRES THAT FEDERAL STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION AND USES WHICH WILL BE MADE OF IT.
  - \*\*3. IDENTITY OF PRIVATE CONTRACTORS SHOULD BE SHOWN IN SPACE "EMPLOYER AND ADDRESS". THE CONTRIBUTOR IS THE NAME OF THE AGENCY SUBMITTING THE FINGERPRINT CARD TO THE FBI.
  4. FBI NUMBER, IF KNOWN, SHOULD ALWAYS BE FURNISHED IN THE APPROPRIATE SPACE.
- MISCELLANEOUS NO. - RECORD: OTHER ARMED FORCES NO. PASSPORT NO. [FP], ALIEN REGISTRATION NO. [AR], PORT SECURITY CARD NO. [PS], SELECTIVE SERVICE NO. [SS] VETERANS' ADMINISTRATION CLAIM NO. [VA].



**Fingerprint Card – Used for Nursing Home and Home Health Agency Employees Only  
(DO NOT USE THIS CARD FOR VOLUNTEERS)**

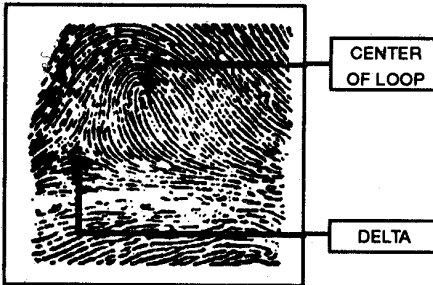
<b>APPLICANT</b>		LEAVE BLANK		TYPE OR PRINT ALL INFORMATION IN BLACK LAST NAME <u>NAM</u> FIRST NAME MIDDLE NAME				FBI LEAVE BLANK	
				Doe Jane Denise					
SIGNATURE OF PERSON FINGERPRINTED		ALIASES <u>AKA</u> <u>Phil Smith</u>		O R I  <b>SCNFHHC9Z</b> <b>PL 105-277</b> <b>COLUMBIA, SC</b>		DATE OF BIRTH <u>DOB</u> Month Day Year <u>01 25 1958</u>			
RESIDENCE OF PERSON FINGERPRINTED <u>1777 N. Avenue W., Charleston, SC 29000</u>		CITIZENSHIP <u>CTZ</u> <u>USA</u>				SEX <u>E</u> RACE <u>B</u> HGT <u>65"</u> WGT <u>120</u> EYES <u>BN</u> HAIR <u>BL</u> PLACE OF BIRTH <u>POB</u> <u>Pickens, SC</u>			
DATE	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS			YOUR NO. <u>OCA</u> <u>License #NCF-000</u>		LEAVE BLANK			
EMPLOYER AND ADDRESS <u>XYZ Nursing Home</u> <u>501 Elmwood Ave., Charleston, SC 29000</u>		FBI NO. <u>FBI</u>		ARMED FORCES NO. <u>MNU</u>		CLASS _____			
REASON FINGERPRINTED <u>Nursing Home, Employee</u>		SOCIAL SECURITY NO. <u>SOC</u> <u>000-00-0000</u>		MISCELLANEOUS NO. <u>MNU</u>		REF. _____			
1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE	
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE	
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				L. THUMB		R. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY	

**Fingerprint Card – Used for Nursing Home and Home Health Agency Employees Only  
(DO NOT USE THIS CARD FOR VOLUNTEERS)**

**FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE  
CJIS DIVISION/CLARKSBURG, WV 26306**

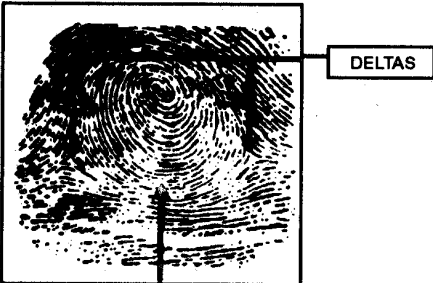
**APPLICANT**

**1. LOOP**



THE LINES BETWEEN CENTER OF LOOP AND DELTA MUST SHOW

**2. WHORL**



THESE LINES RUNNING BETWEEN DELTAS MUST BE CLEAR

**3. ARCH**



ARCHES HAVE NO DELTAS

**TO OBTAIN CLASSIFIABLE FINGERPRINTS:**

1. USE BLACK PRINTER'S INK.
2. DISTRIBUTE INK EVENLY ON INKING SLAB.
3. WASH AND DRY FINGERS THOROUGHLY.
4. ROLL FINGERS FROM NAIL TO NAIL, AND AVOID ALLOWING FINGERS TO SLIP.
5. BE SURE IMPRESSIONS ARE RECORDED IN CORRECT ORDER.
6. NOTE IN THE APPROPRIATE FINGER BLOCKS IF APPLICANT IS MISSING ONE OR MORE FINGERS FOR ANY REASON. IF NOT MISSING, ALL TEN IMPRESSIONS MUST BE PROVIDED WITH SCARS AND DEFORMITIES NOTATED.
7. IF SOME PHYSICAL CONDITION MAKES IT IMPOSSIBLE TO OBTAIN PERFECT IMPRESSIONS, SUBMIT THE BEST THAT CAN BE OBTAINED.
8. EXAMINE THE COMPLETED PRINTS TO SEE IF THEY CAN BE CLASSIFIED, BEARING IN MIND THAT MOST FINGERPRINTS FALL INTO THE PATTERNS SHOWN ON THIS CARD (OTHER PATTERNS OCCUR INFREQUENTLY AND ARE NOT SHOWN HERE).

**THIS CARD FOR USE BY:**

1. LAW ENFORCEMENT AGENCIES IN FINGERPRINTING APPLICANTS FOR LAW ENFORCEMENT POSITIONS\*
2. OFFICIALS OF STATE AND LOCAL GOVERNMENTS FOR PURPOSES OF EMPLOYMENT, LICENSING, AND PERMITS, AS AUTHORIZED BY STATE STATUTES AND APPROVED BY THE ATTORNEY GENERAL OF THE UNITED STATES. LOCAL AND COUNTY ORDINANCES, UNLESS SPECIFICALLY BASED ON APPLICABLE STATE STATUTES DO NOT SATISFY THIS REQUIREMENT.\*
3. U.S. GOVERNMENT AGENCIES AND OTHER ENTITIES REQUIRED BY FEDERAL LAW.\*\*
4. OFFICIALS OF FEDERALLY CHARTERED OR INSURED BANKING INSTITUTIONS TO PROMOTE OR MAINTAIN THE SECURITY OF THOSE INSTITUTIONS.

**LEAVE THIS SPACE BLANK**

**INSTRUCTIONS:**

- \*1. PRINTS MUST FIRST BE CHECKED THROUGH THE APPROPRIATE STATE IDENTIFICATION BUREAU, AND ONLY THOSE FINGERPRINTS FOR WHICH NO DISQUALIFYING RECORD HAS BEEN FOUND LOCALLY SHOULD BE SUBMITTED FOR FBI SEARCH.
  2. PRIVACY ACT OF 1974 (PL. 93-579) REQUIRES THAT FEDERAL STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION AND USES WHICH WILL BE MADE OF IT.
  - \*\*3. IDENTITY OF PRIVATE CONTRACTORS SHOULD BE SHOWN IN SPACE "EMPLOYER AND ADDRESS". THE CONTRIBUTOR IS THE NAME OF THE AGENCY SUBMITTING THE FINGERPRINT CARD TO THE FBI.
  4. FBI NUMBER, IF KNOWN, SHOULD ALWAYS BE FURNISHED IN THE APPROPRIATE SPACE.
- MISCELLANEOUS NO. - RECORD: OTHER ARMED FORCES NO. PASSPORT NO. (FP), ALIEN REGISTRATION NO. (AR), PORT SECURITY CARD NO. (PS), SELECTIVE SERVICE NO. (SS) VETERANS' ADMINISTRATION CLAIM NO. (VA).

**Article 23 – Criminal Record Check of Direct Care Staff**

AN ACT TO AMEND SECTION 44-7-2910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL RECORD CHECKS FOR DIRECT CAREGIVERS IN NURSING HOMES AND OTHER FACILITIES PROVIDING CARE TO ADULTS, SO AS TO REQUIRE A FACILITY TO COMMENCE A CRIMINAL RECORD CHECK PRIOR TO EMPLOYING OR CONTRACTING WITH A DIRECT CAREGIVER, TO REQUIRE EMPLOYMENT AGENCIES PLACING DIRECT CAREGIVERS TO HAVE SUCH CHECKS CONDUCTED AND TO REQUIRE A RECORD OF THE RESULTS OF THE CHECK TO BE MAINTAINED, TO PROVIDE THAT FACULTY AND STUDENTS IN EDUCATIONAL PROGRAMS IN DIRECT CARE FACILITIES ARE NOT "DIRECT CAREGIVERS", TO REQUIRE A DIRECT CARE ENTITY TO CONDUCT A STATE CRIMINAL RECORD CHECK PRIOR TO EMPLOYING AN INDIVIDUAL WHEN SOUTH CAROLINA RESIDENCY CAN NOT BE VERIFIED AND TO PROVIDE THAT A DIRECT CARE ENTITY IS ONLY REQUIRED TO CONDUCT A FEDERAL CHECK AFTER EMPLOYMENT COMMENCES IF RESIDENCY IN ANOTHER STATE CANNOT BE VERIFIED; AND TO AMEND SECTION 44-7-2920, RELATING TO PROCEDURES FOR CONDUCTING CRIMINAL RECORD CHECKS, SO AS TO DELETE THE PROVISION AUTHORIZING A DIRECT CARE ENTITY TO TEMPORARILY EMPLOY A PERSON PENDING THE RESULTS OF THE CRIMINAL RECORD CHECK.

Be it enacted by the General Assembly of the State of South Carolina:

**Criminal record checks required for direct caregivers**

“Section 44-7-2910. (A)(1) A direct care entity employing or contracting with a direct caregiver shall conduct a criminal record check as provided in this section prior to employing or contracting with the direct caregiver. A direct care entity may consider all information revealed by a criminal record check as a factor in evaluating a direct caregiver's application to be employed by or contract with the entity.

(2) An employment agency may not furnish employees to a direct care entity without conducting a criminal record check on each employee. An employee who works in multiple direct care settings must have a criminal record check on file at the location of the employment agency, the home office of his employer, or at the individual's primary place of employment.

(B) For purposes of this article:

(1) 'Direct care entity' means:

- (a) a nursing home, as defined in Section 44-7-130;
- (b) a daycare facility for adults, as defined in Section 44-7-130;
- (c) a home health agency, as defined in Section 44-69-20;

- (d) a community residential care facility, as defined in Section 44-7-130;
- (2) 'Direct caregiver' or 'caregiver' means:
  - (a) a registered nurse, licensed practical nurse, or certified nurse assistant;
  - (b) any other licensed professional employed by or contracting with a direct care entity who provides to patients or clients direct care or services and includes, but is not limited to, a physical, speech, occupational, or respiratory care therapist;
  - (c) a person who is not licensed but provides physical assistance or care to a patient or client served by a direct care entity;
  - (d) a person employed by or under contract with a direct care entity who works within any building housing patients or clients;
  - (e) a person employed by or under contract with by a direct care entity whose duties include the possibility of patient or client contact.

For purposes of this article, a direct caregiver does not include a faculty member or student enrolled in an educational program, including clinical study in a direct care entity.

(C)(1) A direct caregiver applicant shall provide verification of residency for the twelve months preceding the date of the employment application. The direct care entity shall conduct a state criminal record check if the applicant has resided in South Carolina during that twelve-month period and can verify residency through:

- (a) a driver's license or identification card issued by the State of South Carolina;
- (b) rent, mortgage, or utility receipts in the applicant's name for a home within South Carolina;
- (c) pay stubs in the applicant's name from a business located in South Carolina; or
- (d) bank records in the applicant's name showing a deposit or checking account held in a South Carolina branch office of a bank.

(2) A direct care entity unable to verify South Carolina residency for a direct care applicant for the preceding twelve months shall conduct a state criminal record check on the applicant prior to employment and shall commence a federal criminal record check after employment. However, if the direct care entity can verify residency in another state for the preceding twelve months, the direct care entity may conduct only a state criminal record check in the applicant's resident state or jurisdiction where the applicant previously resided.

Procedures for conducting criminal record checks

Section 44-7-2920. Criminal record checks required pursuant to this article must be conducted by the State Law Enforcement Division or by a private business, organization, or association which conducts background checks if that entity utilizes current criminal records obtained from the State Law Enforcement Division or the Federal Bureau of Investigation to determine any criminal record. An applicant shall submit with the application one complete set of the applicant's fingerprints on forms specified or furnished by the State Law Enforcement Division. Fingerprint cards submitted to the State Law Enforcement Division pursuant to this section must be used to facilitate a national criminal records check, as required by this section. The criminal record check is not required to be repeated as long as the person remains employed by or continues to contract with a direct care entity; however, if a person is not employed by or is not under contract for one year or longer with a direct care entity, the criminal record check must be repeated before resuming employment or contracting with a direct care entity. The fee charged by the Federal Bureau of Investigation, if any, for the fingerprint review must be paid by the individual direct caregiver or the direct care entity."

Section 44-7-2930. A direct care entity may furnish copies of personnel records of current or former direct caregivers to another direct care entity requesting this information. Information contained in the records may include, but is not limited to, disciplinary matters and any reasons for termination. A direct care entity releasing these records pursuant to this section is presumed to be acting in good faith and is immune from civil and criminal liability which otherwise may result by reason of releasing this information. A direct care entity receiving records pursuant to this section shall conduct its own criminal record check pursuant to this article.

Section 44-7-2940. The Department of Health and Environmental Control shall verify that a direct care entity is conducting criminal record checks as required in this article before the department issues a renewal license for the direct care entity. The department shall act as the channeling agency for any federal criminal record checks required by this article.

Section 44-7-2950. An individual who violates this article, or a regulation promulgated pursuant to this article, is subject to a civil fine of one hundred dollars for the first violation and five hundred dollars for each subsequent violation. A fine imposed pursuant to this section must be paid before a direct care entity's license is renewed. Fines collected pursuant to this section must be retained by the department to help offset the costs associated with carrying out the department's responsibilities under this article."

**Time effective**

This act takes effect upon approval by the Governor and applies to direct caregivers employed by or who contract with a direct care entity on or after this act's effective date.

Ratified the 3rd day of June, 2004.

Approved the 6th day of July, 2004.

### **Organizations Conducting Background Checks on Behalf of a Direct Care Entity**

The purpose of this enclosure is to assist direct care entities using organizations not licensed by the Department that conduct criminal background checks on behalf of the direct care entity in complying with Article 23, Section 44-7-2810.

**NOTE: These procedures are intended as a guide only and do not supercede applicable state regulations/laws or federal regulations/laws relevant to employee eligibility. The procedures do not address or exempt facilities from federal regulations applicable to facilities that participate in the Medicare/Medicaid reimbursement program through the Centers for Medicare and Medicaid Services (CMS), (See Enclosure 1 for Website References and contact information).**

Direct care entities receiving inquiries from such organizations as described above regarding criminal background checks should request that the organization first read our procedures memorandum. You can either provide them a copy of the memorandum or direct them to our Website at <http://www.scdhec.net/hr>.

**State Background Checks:** For state background checks, organizations may obtain results on direct caregivers directly through SLED without having to go through the direct care entity. However, the SLED Form CJ-055 cannot be used to request a background check from SLED. This form is specifically designed for use by direct care entities licensed by our Department. Organizations will need to contact SLED to request SLED Form 110288 or “Records Check Form–Nonprofit” for charitable organizations. SLED Form 110288 is also attached to enclosure 6. Organizations may also conduct the check through SLED using the Internet site at <http://www.sled.state.sc.us>.

At present, the Internet site does not recognize an \$18.00 fee to screen volunteers. The organization will have to pay the regular \$25.00 fee to obtain results via the Internet. Otherwise, they can pay the \$18.00 fee over the counter at the SLED office or through the mail. If the organization qualifies as a charitable organization, then the \$8 fee will apply and can be paid via the Internet. (See enclosure 1).

**Federal Background Checks:** If a direct caregiver does not meet the twelve-month residency requirement of Section 44-7-2910, a federal fingerprint background check must be conducted in addition to the SCSLED background check. The organization can obtain the fingerprint cards through our office. Contact numbers and procedures for conducting federal background checks are contained in enclosure 1 of this memorandum. The results of the federal background check will be mailed to the direct care entity and not to the organization conducting the federal background check on behalf of the direct care entity.

In the **“EMPLOYER AND ADDRESS”** block of the fingerprint card, enter the name and mailing address of the direct care entity where the direct caregiver will be working. In the **“YOUR NO. OCA”** block, enter the license number of the direct care entity as issued by the Department. All other instructions for completing the FBI fingerprint card are contained in enclosure 1.

The current fee for an FBI background check is \$24.00 for employees and \$18.00 for volunteers. Depending upon the direct care entity's hiring policies and applicable DHEC regulations, a federal background check may not be necessary if the results of the state background check would prohibit the direct caregiver from working with residents, patients, or clients under the care of a direct care entity.

DHEC's authority to enforce Section 44-7-2910 is limited to direct care entities that the Department licenses that are affected by the law. The Department holds the direct care entity ultimately responsible for compliance with the law. If the following procedure is used, you will be in compliance with Section 44-7-2910:

1. The organization must have a written policy for conducting criminal background checks on direct caregivers. A copy of the policy must be on file at each direct care entity where direct caregivers will be working. The policy must fully explain:
  - a. How the criminal background checks are being conducted.
  - b. The measures that are in place to maintain custody and integrity of the results.
2. The organization must have a written contract with the direct care entity. A copy of the contract must be on file at the direct care entity. The contract must stipulate that:
  - a. Criminal background checks will be conducted by the organization in accordance with Section 44-7-2910 of the SC Code of Laws and the procedures contained in this memorandum.
  - b. The organization shall be required to provide a copy of the background results to the direct care entity, or to our Department for inspection purposes, within 2 hours after receiving a request on any direct caregiver.
3. The organization understands that possibility exists that the results of a federal background check may not be available until after the direct caregiver is no longer working with the direct care entity. The organization understands that regardless of this happening, the organization is still required to follow through with the federal background checks as stipulated in this memorandum and in Article 23.
4. The organization understands and agrees that a criminal background check on a direct caregiver must be kept on file at the organization for no less than then two years after the direct caregiver is no longer employed by the direct care entity.

Direct Care Entities are:

1. Required to keep a copy of all letters sent by the third party organization regarding background checks conducted on a direct caregiver for a period of two years from the date the direct caregiver last worked for the direct care entity.
2. Required to keep a copy of all letters sent by the third party organization clearing the direct caregiver to work for the direct care entity for a period of two years from the date the direct caregiver was terminated.
3. Required to keep a copy of the written contract that was made with the organization, for a period of two years after the contract is no longer in effect.
4. Required to keep a copy of the organizations written policy for conducting criminal background checks for a period of two years after the written contract is no longer in effect.
5. Responsible for ensuring that the organization is abiding by the written contract and their written policies for conducting criminal background checks.



### **Employment Organizations Providing Direct Caregivers**

The purpose of this enclosure is to assist direct care entities using organizations not licensed by the Department who provide direct caregivers in complying with Article 23, Section 44-7-2810. Section 44-7-2910 (A)(2) states: "An employment agency may not furnish employees to a direct care entity without conducting a criminal record check on each employee. An employee who works in multiple direct care settings must have a criminal record check on file at the location of the employment agency, the home office of his employer, or at the individual's primary place of employment."

**NOTE: These procedures are intended as a guide only and do not supercede applicable state regulations/laws or federal regulations/laws relevant to employee eligibility. The procedures do not address or exempt facilities from federal regulations applicable to facilities that participate in the Medicare/Medicaid reimbursement program through the Centers for Medicare and Medicaid Services (CMS), (See Enclosure 1 for Website References and contact information).**

Direct care entities receiving inquiries from such organizations as described above regarding criminal background checks should request that the organization first read our procedures memorandum. You can either provide them a copy of the memorandum or direct them to our Website at <http://www.scdhec.net/hr>.

**State Background Checks:** For state background checks, organizations may obtain results on direct caregivers directly through SLED without having to go through the direct care entity. However, the SLED Form CJ-055 cannot be used to request a background check from SLED. This form is specifically designed for use by direct care entities licensed by our Department. Organizations will need to contact SLED to request SLED Form 110288 or "Records Check Form-Nonprofit" for charitable organizations. SLED Form 110288 is also attached to enclosure 6. Organizations may also conduct the check through SLED using the Internet site at <http://www.sled.state.sc.us>.

At present, the Internet site does not recognize an \$18.00 fee to screen volunteers. The organization will have to pay the regular \$25.00 fee to obtain results via the Internet. Otherwise, they can pay the \$18.00 fee over the counter at the SLED office or through the mail. If the organization qualifies as a charitable organization, then the \$8 fee will apply and can be paid via the Internet. (See enclosure 1).

**Federal Background Checks:** If a direct caregiver does not meet the twelve-month residency requirement of Section 44-7-2910, a federal fingerprint background check must be conducted in addition to the SCSLED background check. The organization can obtain the fingerprint cards through our office. Contact numbers and procedures for conducting federal background checks are contained in enclosure 1 of this memorandum.

**The only fingerprint card you can request from our office is the one with the ORI (Office Originating Request) SCDHEC00Z.** Public Law 105-277 limits the Division of Health Licensing to releasing federal criminal background check results only to nursing homes and

home health agencies. Employment organizations requesting a federal background check will only receive a Departmental letter stating that the direct caregiver has or does not have a criminal conviction or has pled no contest (nolo contendere).

In the “**EMPLOYER AND ADDRESS**” block of the fingerprint card, enter your organization name and mailing address. In the “**REASON FINGERPRINTED**” block, enter the type (i.e. Nursing Home) of direct care entity or entities the direct caregiver will be working for, followed by the word “**Temporary Employee**”.

The current fee for an FBI background check is \$24.00 for employees and \$18.00 for volunteers. Depending upon the direct care entity’s hiring policies and applicable DHEC regulations, a federal background check may not be necessary if the results of the state background check would prohibit the direct caregiver from working with residents, patients, or clients under the care of a direct care entity.

DHEC’s authority to enforce Section 44-7-2910 is limited to direct care entities that the Department licenses that are affected by the law. The Department holds the direct care entity ultimately responsible for compliance with the law. If the following procedure is used, you will be in compliance with Section 44-7-2910:

1. The organization must have a written policy for conducting criminal background checks on their direct caregivers. A copy of the policy must be on file at each direct care entity where direct caregivers will be working. The policy must fully explain:
  - a. How the criminal background checks are being conducted.
  - b. The measures that are in place to maintain custody and integrity of the results.
2. The organization must have a written contract with the direct care entity. A copy of the contract must be on file at the direct care entity. The contract must stipulate that:
  - a. Criminal background checks will be conducted by the organization in accordance with Section 44-7-2910 of the SC Code of Laws and the procedures contained in this memorandum.
  - b. The organization shall be required to provide a copy of the background results to the direct care entity, or to our Department for inspection purposes, within 2 hours after receiving a request on any direct caregiver.
3. The organization understands that possibility exists that the results of a federal background check may not be available until after the direct caregiver is no longer working with the direct care entity. The organization understands that regardless

of this happening, the organization is still required to follow through with the federal background checks as stipulated in this memorandum and in Article 23.

4. The organization understands and agrees that a criminal background check on a direct caregiver must be kept on file at the organization for no less than then two years after the direct caregiver is no longer employed by the direct care entity.

Direct Care Entities are

1. Required to keep a copy of all letters sent by the organization regarding background checks conducted on a direct caregiver for a period of two years from the date the direct caregiver last worked for the direct care entity.
2. Required to keep a copy of all letters sent by the organization clearing the direct caregiver to work for the direct care entity for a period of two years from the date the direct caregiver last worked for the direct care entity.
3. Required to keep a copy of the written contract that was made with the organization, for a period of two years after the contract is no longer in effect.
4. Required to keep a copy of the organizations written policy for conducting criminal background checks for a period of two years after the written contract is no longer in effect.
5. Responsible for ensuring that the organization is abiding by the written contract and their written policies for conducting criminal background checks.

## **South Carolina State Law Enforcement Division (SLED) Forms Required for Criminal Background Checks**

Attached to this enclosure are the SLED forms required for a criminal background check.

1. SLED Form CJ-032: Certification For \$8.00 Reduced Criminal Record Search Fee (Request for reduced fee for charitable organizations)
2. SLED Form CJ-033: SLED-NET Application Form (Used to establish authorization for requesting background checks via the internet)
3. SLED Form CJ-055: Record Check Request Form for Direct Care Staff (For use by health care facilities licensed by the Department of Health and Environmental Control)
4. SLED Form 110288: Record Check Request Form (For organization not licensed by the Department of Health and Environmental Control)

**SOUTH CAROLINA LAW ENFORCEMENT DIVISION**



**MARK SANFORD**  
*Governor*

**ROBERT M. STEWART**  
*Chief*

**CERTIFICATION FOR \$8.00 REDUCED CRIMINAL RECORD SEARCH FEE**

By signing below, the authorized individual certifies that the criminal record search is conducted for the use and benefit of (a) charitable organization or [a bona fide] mentor. The phrase "charitable organization" means:

An organization which has been determined to be exempt from taxation under Section 501©(3) of the United States Internal Revenue Code of the 1986, as amended;

A bona fide church, including an institution such as a synagogue or mosque;

Or volunteers of a local Recreation Commission; or

An organization which has filed a statement of registration or exemption under the Solicitation of Charitable Funds Act, Chapter 56, Title 33 of the 1976 Code.

\_\_\_\_\_  
(signature of authorized individual)

\_\_\_\_\_  
(print of type name of charitable organization)

\_\_\_\_\_  
(Mailing address for organization)

\_\_\_\_\_  
(city, state, zip code of organization)

\_\_\_\_\_  
(telephone number)

\_\_\_\_\_  
(name of billing account and account number, if any)

**IMPORTANT NOTE:** The authorized individual signing above may designate an agent to act on behalf of the charitable organization with a reduced fee. However, a billing account established for this purpose must be separate and distinct from any other used by that agent.

\_\_\_\_\_  
(designated agent, if any)

\_\_\_\_\_  
(name of agent billing account and account number, if any, SLED use only)

SLED Form CJ-032



**An Accredited Law Enforcement Agency**  
**P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7041**



## SLED-NET APPLICATION FORM

Applicant Information (All information must be completed. Please type or print clearly)

Name (Last, First, MI) \_\_\_\_\_ Mother's Maiden Name \_\_\_\_\_

Male ☐ Female ☐

Agency/Organization \_\_\_\_\_ Business Phone( ) \_\_\_\_\_  
Extension \_\_\_\_\_

Rank/Position \_\_\_\_\_ Fax Number( ) \_\_\_\_\_

Street Address \_\_\_\_\_

City/State/Zip/County \_\_\_\_\_

Date of Birth \_\_\_\_\_ Social Security Number \_\_\_\_\_

E-mail Address \_\_\_\_\_ Account # (if established) \_\_\_\_\_  
(Non-criminal Justice Agencies Only)

*Warning/Terms/Conditions: SLED-NET is an official SC Government System for authorized use only. Access to SC criminal history record information and other data must be in accordance with all applicable laws, rules and regulations. SLED reserves the right to deny or terminate access at anytime with or without notice.*

Certification:

I hereby certify that I am an authorized member of the \_\_\_\_\_ described  
(Agency/Organization Name)

above in this application and that I understand the requirements set out above and agree to abide

by those requirements. Signed \_\_\_\_\_  
(Applicant)

I certify that the above-named individual is an authorized member of the \_\_\_\_\_

(Agency/Organization Name)

and it is authorized to have on-line access to SLED Database/Communications Switches via remote access.

Signed \_\_\_\_\_ Title \_\_\_\_\_

For Approval Use Only

Approved/Processed by: \_\_\_\_\_  
(Signature) (Date)

**RETURN APPLICATION TO: SLED INFORMATION TECHNOLOGY  
P. O. BOX 21398  
COLUMBIA, SC 29221-1398  
FAX: (803) 896-7218**

CJ-033

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

MARK SANFORD  
*Governor*



ROBERT M. STEWART  
*Chief*

## RECORD CHECK

**DIRECT CARE STAFF**  
(Type of Print Clearly in Ink)

Facility Name: \_\_\_\_\_

Address: \_\_\_\_\_

DHEC Health Licensing Number: \_\_\_\_\_

NAME OF DIRECT CARE STAFF: \_\_\_\_\_

Male ☐ Female ☐

AKA AND/OR MAIDEN NAMES: \_\_\_\_\_

DOB: \_\_\_\_\_

SSN: \_\_\_\_\_

(Permission must be obtained from individual if used as search criteria.)

STATE AND FEDERAL LAW REQUIRE CHARGING A FEE FOR EACH CRIMINAL HISTORY RECORD SEARCH. **PAYMENT MUST BE MADE TO SLED BY MONEY ORDER OR COMPANY CHECK, FOR THE CORRECT AMOUNT ONLY. NO CASH OR PERSONAL CHECKS WILL BE ACCEPTED.**

Please check the appropriate processing SLED fee:

Employee    \$25 ☐      Volunteer    \$18 ☐      Charitable Organization    \$8 ☐

I understand that the above information will be used to conduct a criminal record check and I hereby give my permission for a criminal record check to be done through the South Carolina Law Enforcement Division or any other law enforcement agency.

SIGNATURE \_\_\_\_\_

CJ-055



An Accredited Law Enforcement Agency  
P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7041

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

MARK SANFORD  
*Governor*



ROBERT M. STEWART  
*Chief*

## RECORDS CHECK (Type or Print Clearly in Ink)

NAME: \_\_\_\_\_

Male ☐ Female ☐

AKA AND/OR MAIDEN NAMES: \_\_\_\_\_

DOB: \_\_\_\_\_

SSN: \_\_\_\_\_

(Federal law permits governmental agencies to require a social security number in order to conduct official business; however, private entities may only obtain social security numbers if given voluntarily.)

A FEE OF TWENTY-FIVE DOLLARS (\$25.00) FOR EACH CRIMINAL HISTORY RECORD REQUEST IS REQUIRED BY STATE LAW. PAYMENT SHALL BE MADE TO SLED EXCLUDING CASH AND PERSONALIZED CHECKS. MONEY ORDERS OR COMPANY CHECKS ARE ACCEPTED

**\*WARNING! ALTERATION OF THIS DOCUMENT MAY BE SUBJECT TO CRIMINAL PROSECUTION.  
DO NOT ACCEPT THIS FORM UNLESS IT BEARS AN ORIGINAL PROCESSING STAMP  
BY SLED.**

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